

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

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HENRY JOINER \*  
Plaintiff, \*

v. \* 2:07-CV-380-MHT  
(WO)

D.T. MARSHALL, *et al.*, \*

Defendants. \*

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**ORDER ON MOTION**

Plaintiff seeks reconsideration of the court's Order and Recommendation of the Magistrate Judge entered May 9, 2007, which recommended dismissal of his complaint pursuant to the directives of 28 U.S.C. § 1915(g). In support of his motion, Plaintiff conclusorily asserts that if this case is dismissed his "life will be in imminent danger of serious physical injury." (Doc. No. 4.)

As noted in the May 9 Order and Recommendation, the undersigned has carefully reviewed the claims presented in the instant action. Plaintiff complains about the manner in which his medical concerns are being addressed and that he is charged a co-pay for medical services and prescriptions. The claims before this court do not allege nor in any way indicate that Plaintiff "is under imminent danger of serious physical injury" as is required to meet the imminent danger exception to the application of 28 U.S.C. § 1915(g). *Medberry v. Butler*, 185 F.3d 1189 (11<sup>th</sup> Cir. 1999). Plaintiff's bare assertion in his pending motion that his life is in imminent danger of serious physical injury is insufficient to meet the

exception to the “three strikes” provision of § 1915(g).

Accordingly, it is

ORDERED that Plaintiff’s Motion for Reconsideration (Doc. No. 4) be and is hereby DENIED.

Done, this 22<sup>nd</sup> day of May 2007.

/s/ Terry F. Moorer  
TERRY F. MOORER  
UNITED STATES MAGISTRATE JUDGE